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8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 GIL CROSTHWAITE, et al., as Trustees of the
12 OPERATING ENGINEERS HEALTH AND
WELFARE TRUST FUND FOR NORTHERN
13 CALIFORNIA; et al.,

14 Plaintiffs,

15 v.

16 HAMMANS INC., and JAMES DEAN
17 HAMMAN,

18 Defendants.

Case No.: C08-0680 PJH

NOTICE OF VOLUNTARY DISMISSAL

19
20 PLEASE TAKE NOTICE that pursuant to F.R.C.P., Rule 41(a)(1), plaintiffs GIL
21 CROSTHWAITE and RUSS BURNS, in their respective capacities as Trustees of the
22 OPERATING ENGINEERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN
23 CALIFORNIA, et al., voluntarily dismiss, without prejudice, their claim against defendants
24 HAMMANS INC., and JAMES DEAN HAMMAN, individually. Defendants have neither served
25 an answer nor moved for summary judgment, and plaintiffs have not previously filed or dismissed
26 any similar action against defendants.
27
28

NOTICE OF VOLUNTARY DISMISSAL
CASE NO.: C08-0689 PJH

1 Defendants entered into a Stipulation for Entry of Judgment ("Stipulation") establishing a
2 payment plan to satisfy the amounts owed by defendants to plaintiffs in this current action.
3 Plaintiffs will only file the Stipulation should defendants fail to make any payment required under
4 the Stipulation.

5 It is therefore requested that this action be dismissed without prejudice, and that the Court
6 shall retain jurisdiction over this matter.
7

8 I declare under penalty of perjury that I am the attorney for the plaintiffs in the above
9 entitled action, and that the foregoing is true of my own knowledge.

10 Executed this 26th day of June, 2008, at San Francisco, California.
11

12 SALTZMAN & JOHNSON
13 LAW CORPORATION

14
15 By: _____/s/_____
16 Michele R. Stafford
17 Attorneys for Plaintiffs

18 IT IS SO ORDERED.

19 This case is dismissed without prejudice and the Court shall retain jurisdiction over this
20 matter.

21
22 Date: _____

23 UNITED STATES DISTRICT COURT JUDGE
24
25
26
27
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PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On June 26, 2008, I served the following document(s):

NOTICE OF VOLUNTARY DISMISSAL

on the interested parties in said action by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**James D. Hamman
Agent for Service of Process
Hamman's Inc.
9550 Occidental Road
Sebastopol, California 95472**

**James D. Hamman
9550 Occidental Road
Sebastopol, California 95472**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 26th day of June, 2008, at San Francisco, California.

_____/s/_____
Vanessa de Fábrega

**NOTICE OF VOLUNTARY DISMISSAL
CASE NO.: C08-0689 PJH**